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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/590,610      | 05/16/2007  | Paul Tapper          | 0240-001            | 2239             |

42015 7590 10/08/2008  
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| EXAMINER |
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ESTRADA, ANGEL R

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2831

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| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

10/08/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tammy@ppglaw.com

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/590,610 | <b>Applicant(s)</b><br>TAPPER, PAUL |  |
|                              | <b>Examiner</b><br>Angel R. Estrada  | <b>Art Unit</b><br>2831             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/24/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed August 24, 2006 has been considered by the Examiner.

### ***Claim Objections***

2. Claim 6 is objected to because of the following informalities:

Claim 6 lines 2-3, "wherein the diameter at a free end of the first sealing member is smaller that the diameter of a free end of the second sealing member", confusing and unclear. The Drawings show that the diameter at a free end of the first sealing member is larger that the diameter of a free end of the second sealing member.

The Applicant should change in claim 6 line 2, "smaller" to --larger--. Appropriate correction is required.

Any further rejections of claim 6 in this office action are based on claim 6, as its is understood by the examiner

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Pallapothu (US 6,768,058).

Regarding claim 1, Pallapothu discloses a covering (10) for a cable entry device for providing sealing in a space between a cable (16) and a surrounding material (14), comprising first and second sealing members (34, 36) for receiving said material (14) therebetween formed by a recess in outer periphery of the covering (10), that wherein the covering (10) comprises means for temporarily receiving the second sealing member during insertion of the covering into a hole of said material (see figure 2).

Regarding claim 2, Pallapothu discloses a covering (10) wherein the means for temporarily receiving the second sealing member (36) comprises a recess of the covering having a depth corresponding to the thickness of the second sealing member (see figure 2).

Regarding claim 3, Pallapothu discloses a covering (10) wherein the means for temporarily receiving the sealing member (36) comprises an irregular surface (see figure 2) of the covering having a first (32) and a second portion (wall between the sealing member 36 and the first portion 32; see figure 1), the first portion (32) having a diameter corresponding to the diameter of the hole (see figure 1), to which the device is dimensioned for, and the diameter of the second portion (see figure 1) plus twice the thickness of the second sealing member (36) correspond to the diameter of said hole (see figure 2)

Regarding claim 4, Pallapothu discloses a covering (10) wherein the second portion (see figure 2) of the irregular portion will extend at least partially through the hole when inserted therein (see figure 2).

Regarding claim 5, Pallapothu discloses a covering (10), wherein the first and second sealing members (34, 36) are flexibly connected to the covering.

Regarding claim 6, Pallapothu discloses a covering (10), wherein the diameter at a free end of the first sealing member (34) is larger than the diameter of a free end of the second sealing member (36)

Regarding claim 7, Pallapothu discloses a covering (10), wherein the first sealing member (34) extends outwardly from a first end of the covering towards the second sealing member (36), and the second sealing member (36) extends outwardly from a second end of the covering towards the first sealing member (34).

Regarding claim 8, Pallapothu discloses a covering (10), wherein the first sealing member (34) provides a biasing force on the covering when inserted into a hole of the material (see figure 2).

Regarding claim 9, Pallapothu discloses a covering (10) wherein free ends of the first and second sealing members (34, 36) abut a first and a second side of a material, respectively, when inserted into a hole therein (see figure 2).

Regarding claim 10, Pallapothu discloses use of the covering (10) as a cable entry device (see figures 1 and 2).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okuhara (US 6,825,416), Uchida et al (US 6,685,195), Sato (US 6,727,432 and US 6,525,269), Ono et al (US 6,708,366), Hashimoto (US 6,675,439), Nakata (US 6,541,703), Nakata et al (US 6,489,559 and US 6,088,874), Kondoh et al (US 6,465,740), Uchida (US 6,339,196) and Yamada et al (US 6,297,457) disclose a covering for a cable entry.

5. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) OR 571-272-1000.

September 26, 2008

/Angel R. Estrada/  
Primary Examiner, Art Unit 2831